

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-3717-2016 (O&M)
Date of decision-08.11.2016**

Karmanpreet Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S.Nahel, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-32002-2016

Application is allowed as prayed for.

Annexures P-1 to P-4 are taken on record subject to all just exceptions.

CRR-3717-2016

This revision petition has been filed by the complainant for setting aside the impugned order dated 10.08.2016 passed by learned Additional Sessions Judge, Sangrur, vide which an application filed by the prosecution for summoning the respondent No.2- Ramandeep Kaur as additional accused under Section 319 of Criminal Procedure Code (in short 'Cr.P.C') was dismissed.

Learned counsel for the petitioner contends that at the time of occurrence, respondent No.2 was standing near the gate of her house and upon seeing the petitioner she had raised lalkara after which injuries were caused to the petitioner and his brother by other accused who were armed with deadly weapons. During the trial, the petitioner has named all the

accused persons including respondent No.2 who had participated in the incident. He further stated that petitioner in his statement has specifically explained role of the accused persons but Court below fell in error by dismissing the application moved by the petitioner for summoning respondent No.2 under Section 319 Cr.P.C without appreciating the facts on record.

I have heard learned counsel for the petitioner and gone through the case file.

It is settled law that extra ordinary powers under Section 319 Cr.P.C are to be used sparingly under compelling and strange circumstances to achieve the ends of justice, as has been held by Supreme Court in **Krishanappa Vs. State of Karnataka-2004 (4) R.C.R.Criminal 678**. The summoning of an accused in a criminal trial is a serious matter. In **Hardeep Singh vs. State-2014(1) R.C.R.Criminal 623**, it has been observed that the word “evidence” in Section 319 Cr.P.C has to be broadly understood and not literally i.e. as evidence brought during a trial.

In this case, the prosecution had filed an application under Section 319 Cr.P.C to summon Harbans Singh, Balbir Singh, Avtar Singh and Ramandeep Kaur as additional accused. The application was partly allowed qua Harbans Singh, Balbir Singh and Avtar Singh whereas the same was dismissed qua respondent No.2 Ramandeep Kaur.

So far as Ramandeep Kaur is concerned, only lalkara has been attributed to her. During enquiry, it was prima facie found that she was not present on the spot at the time of occurrence. There is no evidence with

regard to her participation in the crime. The State has not challenged the order dismissing the application under Section 319 Cr.P.C against Ramandeep Kaur. The impugned order spells out that the trial Court has rightly exercised its power.

This Court does not find any illegality or perversity in the findings recorded by the learned Court below.

Consequently, revision petition stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

November 08, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No